

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

Case No. 1:07-cv-953

**NOTICE OF FILING OF WAIVERS OF SERVICE OF SUMMONS**

Pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, Plaintiffs Ryan McFadyen, Matthew Wilson and Breck Archer, by undersigned counsel, hereby file the annexed waivers of service of summons executed by or on behalf of Defendants City of Durham, Edward Sarvis, Stephen Mihaich, Patrick Baker, Jeff Lamb, Lee Russ, Steven Chalmers, Beverly Council, Michael Ripberger, Laird Evans, Ronald Hodge, James T. Soukup, Kammie Michael, David W. Addison, and Richard D. Clayton, Duke University, Duke University Police Department, Aaron Graves, Robert Dean, Leila Humphries, Phyllis Cooper, William F. Garber, II, James Schwab, Joseph Fleming, Jeffrey O. Best, Gary N. Smith, Greg Stotsenberg, Robert K. Steel, Richard H. Brodhead, Ph.D., Peter Lange, Ph.D., Tallman Trask, III, Ph.D., John Burness, Larry Moneta, Ed.D., Victor J. Dazau, M.D., Allison Halton, Kemel Dawkins, Suzanne Wasiolek, Stephen Bryan,

Matthew Drummond, Duke University Health Systems, Inc., Private Diagnostic Clinic,  
PLLC, Julie Manly, MD, Theresa Arico, R.N., and Tara Levicy, R.N.

The requests for those waivers were sent by e-mail on February 12, 2008.  
Accordingly, by operation of Rules 4(d)(3) and 12(a)(1)(B) of the Federal Rules of Civil  
Procedure, the time for the City of Durham Defendants to answer or otherwise respond to  
the Complaint is extended until April 14, 2008.

Dated: February 22, 2008.

Respectfully submitted,

**EKSTRAND & EKSTRAND LLP**

/s/ Robert C. Ekstrand

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CERTIFICATE OF SERVICE

I hereby certify that, on February 22, 2008, I electronically filed the foregoing NOTICE OF FILING OF WAIVERS OF SERVICE OF SUMMONS (including attachments) with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I further certify that I caused the foregoing document to be served by first-class mail, postage prepaid, to the following non CM/ECF participants:

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Respectfully submitted,

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